
REESE LLP

July 28, 2023

VIA ECF

Honorable Ona T. Wang, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 20D
New York, New York 10007

Re: *Ashour, et al. v. Arizona Beverages USA LLC, et al.*
Case No.: 1:19-cv-07081-AT-OTW

Dear Judge Wang:

Pursuant to the Court's order (ECF No. 186), we write to provide a status report.

Plaintiffs' Submission

Plaintiff Crystal Townes' Interrogatories to Defendants

Defendants served Amended Objections and Responses to Plaintiff Crystal Townes' Second Set of Interrogatories to Defendants on July 7, 2023. Instead of providing written Responses, as is the typical practice, Defendants referred Plaintiffs to over eighty documents that purported to provide the requested information. Plaintiffs are in the process of analyzing the referenced documents to ascertain whether the Responses are complete. By way of example, Interrogatory No. 1 asked Defendants to identify the source of the water supply used to make the Products. While it appears that some of the documents identify the water source for a given co-packer (co-packers are facilities/entities that Defendants hire to make the Products), the Interrogatory Response does not confirm that the identified documents provide said information for all the co-packers that make the Products. In addition, Interrogatories No. 2 and No. 3 ask Defendants to identify the pH levels of the water supply(ies) identified in Interrogatory No. 1 during several stages of the Products' manufacturing process. It does not appear that this information is provided in the identified documents.

Plaintiffs will initiate a meet and confer concerning Defendants' Amended Responses during the first week of August 2023.

Plaintiffs' Requests for Admission to Defendants

Plaintiffs served Defendants with Requests for Admission on July 19, 2023. Defendants objected to the Requests on numerous grounds. The Parties have agreed to meet and confer concerning Defendants' objections during the first week of August 2023.

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Depositions

Plaintiffs intend to serve deposition notices upon Defendants following the analysis of Defendants' Amended Objections and Responses to Plaintiff Crystal Townes' Second Set of Interrogatories to Defendants. The deposition notices will include a request that the culling and review of ESI be prioritized based on custodian.

Third-Party Subpoenas

Plaintiffs are presently coordinating the document productions of the subpoenaed entities. Plaintiffs are hopeful that all the document productions will be received by mid-August. Following analysis of the subpoenaed document productions, Plaintiffs anticipate that any necessary depositions will take place in late-August.

Defendants' Submission

Plaintiff Crystal Townes' Interrogatories to Defendants

Until the formulation of this letter, Defendants were unaware of any issues about these interrogatory responses or any request to meet and confer. These interrogatories required responding to, *inter alia*, multiple questions about water sources for dozens of co-packers (in one question alone). Other interrogatories sought multiple responses about water activity calculations, pH levels, Brix readings at Titratable Acidity calculations for several products made in multiple instances, throughout the United States, since May 14, 2015. These interrogatories far exceed the allowable number and responses to same are more practically obtained through documents and/or depositions consistent with Local Rules. Contrary to Plaintiffs' assertions, subject to the objections interposed, the responses furnished included written responses along with identifying documents from which responses to the interrogatories may be derived consistent with Rule 33. Defendants will meet and confer but reserve all rights.

Plaintiffs' Requests for Admission to Defendants

Plaintiffs have also now seen fit to serve 157 requests for admissions on Defendants. Reserving all objections, the number of these requests alone evidences their unduly burdensome nature. Defendants have sought a meet and confer.

Thank you for Your Honor's attention to this matter.

Respectfully Submitted,

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